IN THE HIGH COURT OFJUDICATURE, ANDHRA PRADESH

AT HYDERABAD.

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER,

TWO THOUSAND AND FOUR.

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1729 OF 2004.

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23.09.2004 in W.P.No.13971 of 2004 on the file of the High Court).

BETWEEN:

Polymastics, rep. by its proprietor

M.Veeranarayana Reddy S/o Anki Reddy,

R/o 1-779, Dwarakanagar,

Kadapa, Kadapa District.

` ….. APPELLANT.

And

1. The Superintendent Engineer (R & B),
National Highways, Ananthapur,
Ananthapur District.

2. The Executive Engineer (R & B), National
Highways Division, Kurnool,
Kurnool District.

….. RESPONDENTS.

Counsel for the appellant : Mr. T. Rajendra Prasad.

Counsel for the respondents: G.P. for Roads & Buildings.

The Court Made the Following:

ORAL JUDGMENT:

(Per Hon'ble The Chief Justice)

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1. We have heard counsel for the appellant and do not find any ground to interfere with the order passed by the learned single Judge. Learned single Judge partly allowed the writ petition. Tender notice dated 28.07.2004 was set aside with liberty reserved to 2nd respondent to issue fresh tender notification without mentioning the name of any company, but by mentioning the specifications for supply of the product and liberty was reserved to 2nd respondent to retain all such conditions, special conditions and specifications, whichever is necessary to get a quality product for the purpose

mentioned in the impugned tender notice.

2. Appellant's grievance still is that in the tender notice the respondents have mentioned the product as reflective pavement markers (Road studs) specifically stating that bids with glass beads/elements shall be summarily disqualified. In other words, what can be noticed from the tender document is that product required by respondents is reflective pavement markers (Road studs) without glass beads. Appellant's grievance is that putting this condition is preventing the appellant from participating in the bid. Therefore, this act of the respondents is arbitrary and illegal.

4. We do not see any arbitrariness in the action of the respondents. In case respondents do not require reflective pavement markers (Road studs) with glass beads, no direction on judicial side can be issued to the respondents even to consider the bid of the appellant for the product of reflective pavement markers (Road studs) with glass beads. As such, we do not find any substance in the writ appeal. Accordingly it is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 28.10.2004.

VRK.

To

1. The superintendent Engineer (R & B),

   National Highways, Ananthapur,

   Ananthapur District.

2. The Executive Engineer (R & B), National

   Highways Division, Kurnool,

   Kurnool District.

3. Two CCs to G.P. for Roads & Buildings, High Court Buildings, Hyderabad (OUT).

4. Two CD copies.

HON’BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A. NO. 1729 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 28.10.2004.